

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA	*	
	*	CRIMINAL NO.: 2:05-cr-119-MEF
vs.	*	
	*	
DON EUGENE SIEGELMAN, et al.,	*	

**DEFENDANT GOVERNOR DON SIEGELMAN'S
OBJECTIONS TO THE UNITED STATES' PROPOSED TRIAL EXHIBITS**

Defendant Governor Don E. Siegelman submits the following objections to the exhibit list filed by the United States of America:

Ex. No.	Government's Description	Objections
1	Bell Memo to CON members re: removal 12/29/1998	No Objection
2	Moratorium Memo - Exec. Order #3	No Objection
3	1/28/99 Bell letter to Carman	No Objection
4	Exec. Order #3, First Amendment	No Objection
5	Exec. Order #3, 2d Amendment	No Objection
6a	Appointment Letters – 7/26/99 & 8/22/00	No Objection
6b	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6c	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6d	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6e	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6f	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6g	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6h	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection
6i	Appointmt Ltrs–7/26/99 & 8/22/00	No Objection

7	8/17/99 CON Orientation Memo	Objections: (1) inadmissible hearsay pursuant to Federal Rules of Evidence (hereinafter "FRE") 801-802; (2) lack of foundation to show the document represents what the Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) under FRE 403, any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues.
8	8/31/99 CON Orientation Agenda	Objections to #7 above incorporated herein by reference.
9	CON Orientation Manual	See Objections to proposed exhibit #7 above, which are incorporated herein by reference.
10	9/15/99 CON Minutes Re: Scrushy Vice Chair	See Objections to proposed exhibit #7 above, which are incorporated herein by reference.
11	Scrushy Resignation Ltr 1/17/01	No Objection
12	1/18/01 Carman Appointment Ltr	No Objection
13	7/27/01 Re-appointmt of Carman	No Objection
14	4/10/02 HealthSouth Phenix City Hospital CON Application	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation to show the document represents what the Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
15a	7/17/02 CON Minutes Phenix City Quorum	See Objections to # 14 above, which are incorporated herein by reference.
15b	7/17/02 CON Transcript Phenix City Quorum	See Objections to # 14 above, which are incorporated herein by reference.
16	8/2/02 Letter Final Order Re: Phenix City Hospital	See Objections to # 14 above, which are incorporated herein by reference.
17	7/16/02 HealthSouth PET Scanner/ CON Application	See Objections to # 14 above, which are incorporated herein by reference.
18a	12/18/02 CON Minutes PET Scanner Quorum	See Objections to # 14 above, which are incorporated herein by reference.

18b	12/18/02 CON Transcript PET Scanner Quorum	See Objections to # 14 above, which are incorporated herein by reference.
19	1/2/03 Letter Final Order Re: PET Scanner	See Objections to # 14 above, which are incorporated herein by reference.
20	2/19/99 Articles of Incorp. AELF	No Objection
21	IHS Check	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation to show the document represents what the Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) assuming relevancy, should be excluded under FRE 403 because any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
22	Account Records for AELF	Objections to #21 above incorporated herein.
23a	PAC Disclosure for AEF 45 Day Rpt	No Objection
23b	PAC Discl. for AEF 10 Day Rpt	No Objection
23c	Termination Report 1/31/00	No Objection
23d	PAC Disclosure for AEF 2000 Annual	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) the Government has not established a foundation to show that the document represents what the Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) assuming relevance, it should be excluded under FRE 403 because probative value, if any, is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
23e	PAC Disclosure for AEF 2001	See Objections to proposed Exhibit #23d above, which are incorporated herein by reference.
24	State Personnel Rec. for Nick Bailey	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation to show documents represent or depict what Government claims, <u>see</u> FRE 901; (3) the documents are irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) under FRE 403, because its probative value, if any, is substantially outweighed by the danger of unfair prejudice or confusion of the issues.

25	Bailey Plea Agreement	No Objection
26	Information of Bailey	No Objection
27	IHS Check \$250,000	Objection because the Government failed to produce this exhibit as required by the Court's March 22, 2006 Order on Pretrial and Trial Procedures. ¹ As such, the Government should be precluded from offering this exhibit in evidence. In the event the Government were allow to make a belated proffer, the Defendant reserves his right to object on other grounds which become apparent upon Defendant's counsel actually having an opportunity to review this exhibit.
27a	Remittance for HealthSouth check ²	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation to show document represents what the Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) assuming relevance, it should be excluded under FRE 403 because probative value, if any, is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
27b	HealthSouth Check (see N. 1 below)	See Objections to Exhibit 27a above, which are incorporated herein by reference.
28	FCB Loan #10 \$730,789.29	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation that documents represent what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial under FRE 401-402; and, (4) any probative value substantially outweighed by danger of unfair prejudice or confusion of issues, <u>see</u> FRE 403.
29	Bailey Proffer Letter	Same Objections and Notations as to #27.
30	Bell Memo to Siegelman 6/25/99 Re: Cert. of Need Review Board	No Objection

¹In addition to the Government's proposed Exhibit listed as #27, the Government also failed to produce Exhibits listed as numbers 29, 70, 105, 119-125, 128, 158-164, 166-168 and 186-197(d). For the sake of brevity in this document, the Defendant will hereinafter merely indicate for these listed exhibits, "Same Objections and Notations as to #27," which are incorporated therein by such reference.

²The Government produced Exhibit 27a and 27b, but did not list on them on its Exhibit List. On the other hand, the Government listed Exhibit 27 as "IHS Check \$250,000," but did not produce a copy of it.

31	Martin Information	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation to show the documents represent what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
32	Martin Plea Agrmt and Conditions	Objections to #31 above incorporated by reference.
33	Martin 5K.1 Motion for Departure	Objections to #31 above incorporated by reference.
34	Judgment and Commitment Orders	Objections to #31 above incorporated by reference.
35	FedEx Shipping Instructions	Objections to #31 above incorporated by reference.
36	3/22/99 Engagement Letter b/n NovaCare and UBS	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
37	7/14/99 Reduction of Fees Contract b/n ISH and UBS	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
38	McGahan Phone Records	Objections to #31 above incorporated by reference.
39	2/9/99 Fax from Skelton to Hanson Re: Carman's Request CON Board	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
40	1/28/02 HealthSouth Voucher \$8,000 for Tim Adams	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
41	2/6/02 HealthSouth Check \$8,000 to Adams	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
42	7/29/02 HealthSouth Voucher \$3,000 for Tim Adams	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
43	8/2/02 HealthSouth Check \$3,000 to Adams	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
44	2/11/02 Fax from Fancher to Dance Re: Adams CON Appl. For PET Scanner w/ Note to Skelton	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
45	7/12/02 CON Project Review Notes of Skelton	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.
46	1/29/99 Skelton Fax to Heidi Hanson	See Objections to proposed Exhibit #31 above, which are incorporated herein by reference.

47	PAC Disclosures for Amended Report 7/26/02	No Objection
48	Scrushy Calendar 1999	No Objection
49	Scrushy Calendar 2000	No Objection
50	Waggoner Calendar July 1999	No Objection
51	5/24/99 Am. AELF Name to AEF	No Objection
52	2/29/00 Articles of Amendment of Articles of Incorporation of AEF	No Objection
53a	HealthSouth Flight Logs	No Objection
53b	HealthSouth Flight Logs	No Objection
54	Subpoena Duces Tecum Issued for Documents Evidencing Receipt of More than \$10,000 Federal Funds by Exec. Branch State Govt. 1997-2003	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) the Government has not established a foundation to show that the documents represent what the Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any issue in this case, <u>see</u> , FRE 401-402; and, (4) under FRE 403, any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
55	Beard Memorandum to Loan Committee 6/5/00	No Objection
56	Jim Allen's Compensation Agreement w/ the Government	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation to show document represents what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
57	Jim Allen's 12/23/96 Employment Contract w/ Mack Roberts	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
58	1/7/99 \$71,000 Chk from United Toll Systems Acct. at Regions Bank to Mack Robert's Regions Bank Acct.	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
59a	Nov 98 Stmt Showing 9 Outgoing Checks for Approx. \$4,444	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.

59b	Check #1628 from Black Warrior Parkway LLC to 21 st Century PAC	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
59c	Check #1629 to Alabez PAC	Objections to #56 above incorporated by reference.
59d	Check #1630 to ECODEV PAC	Objections to #56 above incorporated by reference.
59e	Check #1632 to GREEN PAC	Objections to #56 above incorporated by reference.
59f	Check #1633 to Growth PAC	Objections to #56 above incorporated by reference.
59g	Check #1634 to JDC PAC	Objections to #56 above incorporated by reference.
59h	Check #1635 to Jefferson PAC	Objections to #56 above incorporated by reference.
59i	Check #1636 to VISION PAC	Objections to #56 above incorporated by reference.
60a	Checks #153, #154 from 21 st Century PAC to Siegelman Campaign & Ecodev PAC for \$4,000 & \$4,200	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60b	Check #176 from Vision PAC to Ecodev PAC for \$9,700	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60c	Checks #151, #152 from Jefferson PAC to Ecodev PAC for \$10,700 and \$4,400	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60d	Checks #164, #165 from JDC PAC from Ecodev PAC and Siegelman Campaign for \$3,800 & \$3,500	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60e	Checks #170, #171 from Growth PAC to Ecodev PAC for \$8,100 & \$4,400	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60f	Checks #145, #146 from Green PAC to Ecodev PAC for \$8,100 & \$4,400	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60g	Checks #133, #134 from Enviro PAC to Ecodev PAC for \$3,800 & \$4,100	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60h	Checks #173, #174 from Alabez PAC to Ecodev PAC \$6,000 & \$4,400	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.

60i	Checks #208, #210 from Ecodev PAC to Siegelman Campaign for \$26,500 & \$63,000	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
60j	Check #211	Objections to #56 above incorporated by reference.
61	Nov. 1998 Stmt for Jefferson PAC	Objections to #56 above incorporated by reference.
62	November 1998 and December 1998 Statements for Enviro PAC	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
63	Nov 1998 Stmt for Green PAC	Objections to #56 above incorporated by reference.
64	November 1998 and December 1998 Statement for Ecodev PAC	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
65	Nov 1998 Stmt for Growth PAC	Objections to #56 above incorporated by reference.
66	Nov 1998 Statement for 21 st Century PAC	See Objections to proposed Exhibit #56 above, which are incorporated herein by reference.
67	Nov. 1998 Statement for JDC PAC	Objections to #56 above incorporated by reference.
68	Nov 1998 Stmt for Alabez PAC	Objections to #56 above incorporated by reference.
69	Nov 1998 Stmt for Vision PAC	Objections to #56 above incorporated by reference.
70	Siegelman Campaign Acct.	Same Objections and Notations as to #27.
70a	Statement and Deposit Showing Receipt of \$63,000 Ecodev PAC Check	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) the Government has not established a foundation to show that the documents represent what it purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) under FRE 403, any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
71	Siegelman PAC Disclosure	Objections to #70a above incorporated by reference.
72	Ecodev Contributions	Objections to #70a above incorporated by reference.
73a	SouthTrust Bank Summary	Objections to #70a above incorporated by reference.
73b	Bundle Checks from Rainline Corp. to Rainline Technologies, Crum Foshee from Nancy Marcato's Personal Records	See Objections to proposed Exhibit #70a above, which are incorporated herein by reference.

74	Flow Chart	Objections: this trial aid “exhibit” is inadmissible hearsay under FRE 801-802; it was made during and specifically for use in this case, thus lacks reliability for admissibility. <u>See, e.g., Peat, Inc. v. Vanguard Research, Inc.</u> , 378 F.3d 1154, 1161 (11 th Cir. 2004); lack of proper foundation (FRE 901) and, under FRE 403, any probative value substantially outweighed by danger of unfair prejudice, confusion of issues and misleading the jury. Moreover, the document is irrelevant and immaterial. <u>See</u> FRE 401-02.
75	Rainline Amended Sales Agreement	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation that document represents what the Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) under FRE 403, because its probative value, if any, is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
76	Mack Roberts’ Appointment Letter w/ Hiring Information	See Objections to proposed Exhibit #75 above, which are incorporated herein by reference.
77	Information from Lexis-Nexis Re: 1993 Montero in Roberts’ name	See Objections to proposed Exhibit #75 above, which are incorporated herein by reference.
78	Mack Roberts’ Statement of Economic Interest for 1999 from AL Ethics Commission	See Objections to proposed Exhibit #75 above, which are incorporated herein by reference.
79	Documents from Frank Courson at ALDOT Re: Mitt Lary Road Extension Project	See Objections to proposed Exhibit #75 above, which are incorporated herein by reference.
80a	Report on Spreadsheets from Crenshaw	Objections: (1) pursuant to FRE 602, Mr. Crenshaw, by his own admission, has inadequate personal knowledge of the facts in the exhibits; (2) inadmissible hearsay under FRE 801-802; (3) lack of foundation to show document is what Government purports, <u>see</u> FRE 901; (4) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (5) any probative value substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
80b	Spreadsheet 1 from Any Crenshaw at ALDOT w/ Rainline Usage Data	See Objections to proposed Exhibit #80a above, which are incorporated herein by reference.

80c	Spreadsheet 2 from Any Crenshaw at ALDOT w/ Rainline Usage Data	See Objections to proposed Exhibit #80a above, which are incorporated herein by reference.
80d	Spreadsheet 3 from Any Crenshaw at ALDOT w/ Rainline Usage Data	See Objections to proposed Exhibit #80a above, which are incorporated herein by reference.
81	Rainline Specifications from Mark Strickland at ALDOT	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) the Government has not established a foundation to show that the document represents what it purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) under FRE 403 any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
82	Rainline Promotional Video	No Objection
83	AP Article by Phillip Rawls Re: Mack Roberts Role in Mitt Lary Rd. Ext.	Objections: newspaper article is inadmissible hearsay under FRE 801-802, for lack of foundation and personal knowledge pursuant to FRE 901 and 602 and, under FRE 403, any probative value is substantially outweighed by danger of unfair prejudice, confusion of issues and misleading the jury. Moreover, the document is irrelevant and immaterial under FRE 401-402.
84	Rainline Invoices to Contractors w/ Attached Checks & Orig. Envelopes	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) the Government has not established a foundation to show that the documents represent what it purports, <u>see</u> FRE 901; (3) irrelevant and immaterial to any disputed issue in this case, <u>see</u> , FRE 401-402; and, (4) assuming relevance, it should be excluded pursuant to FRE 403 because any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues.
84a	Invoice 411 for 99,429	Objections to #84 above incorporated by reference.
84b	Invoice 649 for 99,429	Objections to #84 above incorporated by reference.
84c	Invoice from 10/26/99	Objections to #84 above incorporated by reference.
84d	Invoice from 12/23/99 for 27,752	Objections to #84 above incorporated by reference.
84e	Invoice from 1/3/00 for 71,588	Objections to #84 above incorporated by reference.
84f	Invoice from 3/29/00 for 104,897	Objections to #84 above incorporated by reference.

84g	Invoice for 4/24/00 for 69,931	Objections to #84 above incorporated by reference.
84h	Invoice for 5/15/00 for 139,863	Objections to #84 above incorporated by reference.
84i	Invoice for 6/19/00 for 139,863	Objections to #84 above incorporated by reference.
84j	Invoice from 8/14/00 for 139,863	Objections to #84 above incorporated by reference.
84k	Invoice from 9/13/00 for 314,692	Objections to #84 above incorporated by reference.
84l	Invoice from 10/19/00 for 291,577	Objections to #84 above incorporated by reference.
84m	Invoice from 12/21/00 for 36,300	Objections to #84 above incorporated by reference.
84n	Invoice from 12/30/00 for 35,464	Objections to #84 above incorporated by reference.
84o	Invoice from 5/4/01 for 36,300	Objections to #84 above incorporated by reference.
84p	Invoice from 6/26/01 for 38,500	Objections to #84 above incorporated by reference.
84q	Invoice from 6/25/01 for 36,300	Objections to #84 above incorporated by reference.
84r	Invoice from 6/25/01 for 36,300	Objections to #84 above incorporated by reference.
84s	Invoice from 1/3/02 for 38,500	Objections to #84 above incorporated by reference.
84t	Invoice from 9/26/01 for 36,300	Objections to #84 above incorporated by reference.
84u	Invoice from 12/18/01 for 38,500	Objections to #84 above incorporated by reference.
84v	Invoice from 2/19/02 for 38,500	Objections to #84 above incorporated by reference.
84w	Invoice from 9/9/02 for 50,000	Objections to #84 above incorporated by reference.
85a	ALDOT 2/9/99 Mtce Eng. Memo	Objections to #84 above incorporated by reference.
85b	1/17/02 Timeline Memo from Lorentson to Vaugh	See Objections to proposed Exhibit #84 above, which are incorporated herein by reference.
86a	5/19/99 ALDOT Guideline for Operation	See Objections to proposed Exhibit #84 above, which are incorporated herein by reference.
86b	12/20/00 ALDOT Guideline for Operation	No Objection

87	UTCA Study on Rainline	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation that document represents what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
88a	Mill Lary Rd Agreement 5/24/99	Objections to #87 above incorporated by reference.
88b	Mitt Lary Rd Agreement 6/29/01	Objections to #87 above incorporated by reference.
88c	Mitt Lary Rd Agreement 5/23/01	Objections to #87 above incorporated by reference.
88d	Mitt Lary Rd Agreement 9/11/00	Objections to #87 above incorporated by reference.
88e	Mitt Lary Rd Agreement 9/19/01	Objections to #87 above incorporated by reference.
88f	Mitt Lary Road Agrmt 11/10/99	No Objection
88g	Mitt Lary Road Agrmt 11/10/99	No Objection
88h	Mitt Lary Road Agrmt 5/24/99	No Objection
88i	Mitt Lary Road Agreement 7/2/99	No Objection
88j	Mitt Lary Road Agrmt 5/24/99	No Objection
89	Jim Allen Line of Credit	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show documents are what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value substantially outweighed by danger of unfair prejudice or confusion of issues, <u>see</u> FRE 403.
90	Phillip Jordan June 2004 Plea Agreement	No Objection
91	Phillip Jordan April 2005 Motion for Downward Departure	No Objection
92	Phillip Jordan April 2005 Sentencing Order	No Objection
93	Phillip Jordan Information	No Objection
94	April 1998 Acquisition Agreement	No Objection
95	4/13/98 Cherokee County Commission Meeting Minutes	No Objection

96	4/13/98 Cherokee Co. Resolution	No Objection
97	8/24/98 Cherokee County Commission Meeting Minutes	No Objection
98	9/14/98 Cherokee County Commission Meeting Minutes	No Objection
99	9/28/98 Cherokee County Commission Meeting Minutes	No Objection
100a	12/1/98 Cherokee County Commission Meeting Minutes	No Objection
100b	12/1/98 Cherokee Cnty Resolution	No Objection
101	BLANK	There is no reference to an Exhibit #101.
102	Title on Jordan's Chevy Blazer	No Objection
103	12/2/98 Mailing Act 2(c) Brazeal to Harrington	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show documents are what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value substantially outweighed by danger of unfair prejudice or confusion of issues, <u>see</u> FRE 403.
104	Contract for Solid Waste Disposal Services Between AWDS and Cherokee County	No Objection
105	Governor's Office Memo Re: Meeting w/ Jordan and Other Cherokee County Probate Judges	Same Objections and Notations as to #27.
106	8/25/98 Brazeal Letter to Kevin Grimes	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show document is what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value substantially outweighed by danger of unfair prejudice or confusion of issues under FRE 403
107	12/98 AWDS Amdmt to Contract	No Objection
108	12/1/98 Brazeal Letter to Jordan	Objections to #106 above incorporated by reference.
109	9/27/98 Bennett & Wadsworth	Objections to #106 above incorporated by reference.
110	Sunday Beer Sales Special Session	Objections to #106 above incorporated by reference.

111	Sunday Beer Sales Legislation	Objections to #106 above incorporated by reference.
112	Sun. Beer Sales Legislative Trkg	Objections to #106 above incorporated by reference.
113	Thomas Harrington Proffer Agrmt	Objections to # 106 incorporated herein by reference.
114	Claire Austin Proffer Agreement	Objections to # 106 incorporated herein by reference.
115	Charles Campagna Proffer Agrmt	Objections to # 106 incorporated herein by reference.
116	Tyler McCurdy CV	Objections: inadmissible hearsay under FRE 801-802, for lack of foundation under FRE 901 (particularly since Mr. McCurdy is not going to testify at trial) and, irrelevant and immaterial under FRE 401-402. Objection, also, to lack of qualifications of Mr. McCurdy to offer “expert” opinions. ³
117	Tyler McCurdy Report	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) pursuant to FRE 602, Mr. McCurdy, who prepared the document, lacks personal knowledge of the subject matter; (3) lack of foundation under FRE 901 (especially since Mr. McCurdy is not going to testify); (4) document made specifically for use in this case and thus lacks reliability and is inadmissible under business records exception in FRE 803(6), <i>see, e.g., Peat, Inc.</i> , 378 F.3d at 1161; (5) pursuant to FRE 702-703, <i>see</i> Exh. A hereto and incorporated herein, ⁴ containing supporting law for FRE 702-03 objections; (6) Ex. 1 to the exhibit titled “Stabilization Waste” is not a recognized summary of evidence under FRE 1006; and, (7) under FRE 403, any probative value substantially outweighed by danger of unfair prejudice, confusion of issues and misleading jury.

³Obviously, because Mr. McCurdy has no first hand knowledge of the facts of this case and his report is based on “otherwise inadmissible” hearsay, the **only way** he could have testified – had he been listed as a witness – would be as a purported expert. *See United States v. Frazier*, 387 F.3d 1244, 1260 (11th Cir. 2004), *cert. denied*, 125 S. Ct. 2516 (2005). That is, assuming, for argument’s sake, the Government could have met its burden of establishing qualification, reliability and helpfulness. *Id.*

⁴Due to space limitations imposed by the necessary objection format, the Defendant is attaching an Exhibit A to detail his objections under Federal Rules of Evidence 702 and 703.

118	Documents from Joe Van Heest Re: D-code Waste Customers at Emelle	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show documents are what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value substantially outweighed by danger of unfair prejudice or confusion of issues, <u>see</u> FRE 403.
119	Emelle Waste Records Database	Same Objections and Notations as to #27.
120	Emelle Waste Records Database Manual – Scanned to CD	Same Objections and Notations as to #27.
121	Hazardous Waste Fee Reports	Same Objections and Notations as to #27.
122	1/19/00 Mailing Hazardous Waste Fee Rep from Emelle to Rev. Dept.	Same Objections and Notations as to #27.
123	1/10/01 Mailing Hazardous Waste Fee Rept from Emelle to Rev Dept	Same Objections and Notations as to #27.
124	1/15/02 Mailing Hazardous Waste Fee Rept from Emelle to Rev Dept	Same Objections and Notations as to #27.
125	1/14/03 Mailing Hazardous Waste Fee Rept from Emelle to Rev Dept	Same Objections and Notations as to #27.
126	September 1997 to July 2005 Hazardous Waste Fee Report from Rev. Dept.	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show document is what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
127	Hazardous Waste Fee Reports Summary Spreadsheet	See Objections to proposed Exhibit #126 above, which are incorporated herein by reference.
128	AL Revenue Dept. Documents from Wade Hope Re: WM Request	Same Objections and Notations as to #27.
129	3/26/97 Letter from Debray to Rev. Dept. Requesting Reduction	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show document is what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
130	5/1/97 Rev. Dept. Denial of Reduction Letter Sent to Debray	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.

131	7/15/99 Letter from Hayes to Brazeal with Attached MOU	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.
132	6/29/99 Contract B/w Chem Waste Mgmt and LY for Fee Reduction	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.
133	8/12/99 Fax of DS Resume from Tillman Young to WM w/ Siegelman CV Attached	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.
134	8/21/00 Letter from DS to Stalvey	Objections to #129 above incorporated by reference.
135	12/6/96 Letter to Wade Hope from Debray	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.
136	6/21/99 Petition for Refund Brazeal to Hayes	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.
137	8/31/99 Mem from Floyd to Hayes	Objections to #129 above incorporated by reference.
138	11/29/99 Letter–ADEM to Brazeal	Objections to #129 above incorporated by reference.
139	12/29/99 Letter– Brazeal to Atkins	Objections to #129 above incorporated by reference.
140	1/23/03 Letter from Carlisle to Henson	See Objections to proposed Exhibit #129 above, which are incorporated herein by reference.
141	Hazardous Waste Law	No Objection
142	7/15/99 Letter from Siegelman to Young	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show document is what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of issues, <u>see</u> FRE 403.
143a	Lanny Young Information	No Objection
143b	Lanny Young Plea Agrmt NDAL	No Objection
143c	Lanny Young Plea Agrmt MDAL	No Objection
144	Paul Hamrick Personnel Filed	Objections: (1) inadmissible hearsay under FRE 801-02; (2) lack of foundation to show documents are what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; (4) any probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues, <u>see</u> FRE 403.

145	Funderburk Personnel Records	Objections to #144 above incorporated by reference.
146	ADECA Records Re: Mead Corp.	Objections to #144 above incorporated by reference.
147	ADECA Records Re: Sunbelt Environmental	Objections to #144 above incorporated by reference.
148	ADECA Records Re: Sunbelt Resources	See Objections to proposed Exhibit #144 above, which are incorporated herein by reference.
149	ADECA Records Re: Mead/City of Stevenson	Objections to #144 above incorporated by reference.
150	Tr. of Young-Blount Conversation	Objections to #144 above incorporated by reference.
151	SIDA Private Activity Rept 2000	Objections to #144 above incorporated by reference.
152	9/8/00 SIDA Board Minutes	Objections to #144 above incorporated by reference.
153	10/12/00 Fax to Mead Confirming Stevenson Bond Issue	See Objections to proposed Exhibit #144 above, which are incorporated herein by reference.
154	Bryan Broderick Fin. Statement	Objections to #144 above incorporated by reference.
155	Bryan Broderick Resume	Objections to #144 above incorporated by reference.
156	David Green Financial Statement	Objections to #144 above incorporated by reference.
157	David Green Resume	Objections to #144 above incorporated by reference.
158	State Personnel Recrds–Siegelman	Same Objections and Notations as to #27.
159	State Personnel Records– Hamrick	Same Objections and Notations as to #27.
160	State Personnel Records for Bailey	Same Objections and Notations as to #27.
161	State Personnel Records – Garver	Same Objections and Notations as to #27.
162	State Personnel Records for Hosp	Same Objections and Notations as to #27.
163	State Personnel Records – Rolling	Same Objections and Notations as to #27.
164	State Personnel Records– Kennedy	Same Objections and Notations as to #27.
165	State Personnel Records for Roberts	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show document is what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.

166	State Personnel Records for Hayes	Same Objections and Notations as to #27.
167	State Personnel Records – Howard	Same Objections and Notations as to #27.
168	State Personnel Records– Wright	Same Objections and Notations as to #27.
169	9/27/00 & 9/28/00 Bailey to Siegelman	Objections: (1) inadmissible hearsay pursuant to FRE 801-802; (2) lack of foundation that documents are what Government purports, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value is substantially outweighed by danger of unfair prejudice or confusion of the issues under FRE 403.
170	1/9/01 Letter from Mabry to Siegelman Re: GH Project	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
171	1/9/01 Letter from Mabry to Siegelman from Young Records	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
172	\$330,258 Voucher for GH from Finance Dept.	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
173	\$330,258 Voucher for GH from ADECA	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
174	2/27/01 GH \$81,237 Check from ADECA	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
175	Gulf Insurance File – Docs. From Greg Semrow	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
176	Smith-Manus Records Re: Performance Bond	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
177	Smith-Manus Agency File Re: GH Construction Project	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
178	12/21/00 Lease Agreement b/w ADECA & MDRA	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
179	Copy of Construction Management Agreement from MDRA	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
180	3/23/01 Fax from David Campbell to Brook Smith	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
181	4/6/01 Fax from Rolland Vaughn to David Campbell	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.

182	4/6/01 Fax from Brook Smith to David Campbell	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
183	Judge Torbert Report from AL Finance Dept. Records	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
184	Licensing Board Documents	Objections to #169 above incorporated by reference.
185	First Bank of Brundidge Records Loan to GH Construction	See Objections to proposed exhibit # 169 above, which are incorporated herein by reference.
186	Alamerica Bank and Loan Records	Same Objections and Notations as to #27.
187	2 Copies of Constr. Mgmt Agrmt from Young's Business Records	Same Objections and Notations as to #27.
188	3/15/01 Fax from Denton, Ponder, & Edwards, PC to Gulf Ins. Co.	Same Objections and Notations as to #27.
189	Colonial Bank Accounts	Same Objections and Notations as to #27.
189a	AL Educ. Lottery Found. Ck Acct.	Same Objections and Notations as to #27.
189b	Lanny Young Checking Account	Same Objections and Notations as to #27.
189c	Tillman Young LLC Account	Same Objections and Notations as to #27.
190	Compass Bank Accounts	Same Objections and Notations as to #27.
190a	Siegelman Expense Account	Same Objections and Notations as to #27.
190b	Siegelman Campaign Account	Same Objections and Notations as to #27.
190c	Tillman-Young Checking	Same Objections and Notations as to #27.
190d	Lanny Young Checking	Same Objections and Notations as to #27.
190e	Austin-Young Checking Account	Same Objections and Notations as to #27.
191	Sterling Bank Accounts	Same Objections and Notations as to #27.
191a	Rainline Technologies	Same Objections and Notations as to #27.
192	Merchants Bank Accounts	Same Objections and Notations as to #27.
192a	Nick Bailey	Same Objections and Notations as to #27.
193	First Commercial Bank Accounts	Same Objections and Notations as to #27.
193a	AL Education Foundation	Same Objections and Notations as to #27.
194	SouthTrust Bank Accounts	Same Objections and Notations as to #27.

194a	Lanny Young Checking Account	Same Objections and Notations as to #27.
194b	Crum Foshee Account	Same Objections and Notations as to #27.
194c	Paul Hamrick Checking	Same Objections and Notations as to #27.
195	Alamerica Accounts	Same Objections and Notations as to #27.
195a	GH Construction	Same Objections and Notations as to #27.
195b	Lanny Young	Same Objections and Notations as to #27.
196	Regions Bank Accounts	Same Objections and Notations as to #27.
196a	Black Warrior Pkwy LLC Chking	Same Objections and Notations as to #27.
196b	Mack Roberts	Same Objections and Notations as to #27.
196c	Jim Allen Corporate Accounts	Same Objections and Notations as to #27.
196d	Nick Bailey	Same Objections and Notations as to #27.
197	Sterne Agee and Leach Accounts	Same Objections and Notations as to #27.
197a	Nick Bailey	Same Objections and Notations as to #27.
197b	Paul Hamrick	Same Objections and Notations as to #27.
197c	Lanny Young	Same Objections and Notations as to #27.
197d	Don Siegelman	Same Objections and Notations as to #27.
198	Wire \$2 Million to Young	Objections: (1) inadmissible hearsay under FRE 801-802; (2) lack of foundation to show document is what Government claims, <u>see</u> FRE 901; (3) irrelevant and immaterial, <u>see</u> , FRE 401-402; and, (4) any probative value substantially outweighed by the danger of unfair prejudice or confusion of the issues under FRE 403.
199	Wire \$500,000 to Young	Objections to #198 above incorporated by reference.
200	Deposit \$500,000 Young Account	Objections to #198 above incorporated by reference.
201	Wire \$700,000 to Young	Objections to #198 above incorporated by reference.
202	Waste Management to AELF	Objections to #198 above incorporated by reference.
203	7/14/00 \$10,000 Blount to Young	Objections to #198 above incorporated by reference.
204	9/6/00 \$25,000 Blount to Young	Objections to #198 above incorporated by reference.
205	Wire \$2 Million to Young	Objections to #198 above incorporated by reference.

206	Wire to Young	Objections to #198 above incorporated by reference.
207	Wire to Young	Objections to #198 above incorporated by reference.
208	\$6,000 Young to Jordan	Objections to #198 above incorporated by reference.
209	\$7,000 Young to Jordan	Objections to #198 above incorporated by reference.
210	\$7,000 Young to Jordan	Objections to #198 above incorporated by reference.
211	\$1,000 Young to Jordan	Objections to #198 above incorporated by reference.
212	2 Checks \$8,000 Young to Jordan	Objections to #198 above incorporated by reference.
213	Docs Re: Purch. Christmas Mugs	Objections to #198 above incorporated by reference.
214	Docs Re: Purchase Motorcycle	Objections to #198 above incorporated by reference.
215	Docs Re: Purchase 4-Wheeler	Objections to #198 above incorporated by reference.
216	\$25,000 Young to Hamrick	Objections to #198 above incorporated by reference.
217	Sterne Agee Hamrick Margin Call/Young \$6,000	Objections to #198 above incorporated by reference.
218	Hamrick Lockerroom Records	Objections to #198 above incorporated by reference.
219	12/19/00 Siegelman to Young Thank You Letter	Objections to #198 above incorporated by reference.
220	1/12/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
221	7/2/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
222	8/3/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
223	9/1/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
224	3/3/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
225	5/2/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
226	10/2/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
227	4/9/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
228	11/5/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
229	10/9/98 Young to Cash \$3,000	Objections to #198 above incorporated herein.
230	3/3/98 Young to Hamrick \$500	Objections to #198 above incorporated herein.

231	10/30/98 Young to Environmental Campaign Fund \$10,000	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
232	10/21/98 Young to AL Democratic Party \$20,000	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
233	10/30/98 Young to MPAC \$10,000	Objections to #198 above incorporated by reference.
234	9/3/98 Young to National Coalition Black Voter Participation \$25,000	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
235	9/10/98 LY to Graphic Arts \$840	Objections to #198 above incorporated by reference.
236	4/6/98 Young to Graphic Arts \$2,250	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
237	7/21/98 Young to Graphic Arts \$2,052.75	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
238	9/18/00 Hamrick to Sterne Agee \$5400	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
239	9/28/01 Siegelman to Probate Judge \$40.90	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
240	2/20/98 Young to Champion Sports Group \$162.18	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
241	Hamrick Assorted BMW Records	Objections to # 198 above incorporated herein.
242	2/4/98 Young to Bailey \$1,900	Objections to # 198 above incorporated herein.
243	6/8/98 Young to Bailey \$1,900	Objections to #198 above incorporated by reference.
244	6/23/98 Young to Hamrick \$500	Objections to #198 above incorporated by reference.
245	Young Aircraft Records	Objections to #198 above incorporated by reference.
246	4-Wheeler Purchase Records	Objections to #198 above incorporated by reference.
247	10/9/01 Colonial Bank Young/Hamrick \$3,000	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
248	6/20/00 Compass Bank Young \$9,200 to Colonial Bank	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
249	6/5/01 Young SouthTrust Bank Bailey to Young \$10,503.39	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.

250	Merchants Bank Young to Bailey \$9,200	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
251	6/5/01 Merchants Bank Bailey to Young \$10,503.39	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
252	Compass Bank Siegelman Use of \$9,200	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
253	Compass Bank Siegelman Records Motorcycle Insurance	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
254	Compass Bank Siegelman Records Bailey to Siegelman \$2,973.35	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
255	Compass Bank Siegelman Motorcycle Purchase 12/7/99	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
256	First Alabama Bank Bailey \$55,000 Loan	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
257	1/15/99 SouthTrust Bank Hamrick \$3,000 Deposit	See Objections to proposed exhibit # 198 above, which are incorporated herein by reference.
258	Maps	Objections to #198 above incorporated by reference.
259	Siegelman Mug December 1999	No Objection
260	Documents Showing Transfer 4-Wheeler from Governor's Mansion to DOT	No Objection

Dated: April 18, 2006.

Respectfully submitted,

/s/ W. PERRY HALL

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2006, I electronically filed the foregoing Objections with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record.

/s/ W. PERRY HALL
COUNSEL